

MEH



City of Chicago
Richard M. Daley, Mayor

February 23, 1990

Board of Ethics

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[REDACTED]

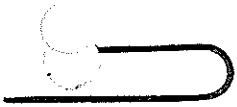
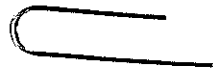
Re: Political Activity
Case No. 90014.A

Dear [REDACTED]

The Board of Ethics considered your request for an advisory opinion on the application of the definition of "political activity" in the Governmental Ethics Ordinance to your attendance at a fundraising event for a political action committee. The Board determined that, in the circumstances described in the facts below, your attendance at the fundraising event would not be prohibited political activity.

The opinion of the Board is based on the facts below and assumes their accuracy. If the facts are incomplete or inaccurate in any significant way, please inform the Board so that it may reconsider its opinion.

FACTS: You are an employee of [REDACTED]. Employees of [REDACTED]



[REDACTED] may not engage in political activity as defined in the Section 26.2-1(s) of the Governmental Ethics Ordinance. You asked whether your attendance as a guest at a fundraiser for a political action committee would be prohibited political activity.

As the [REDACTED], you act as a liaison between the [REDACTED] and city government. In this capacity you are responsible for establishing and maintaining contacts with organizations and groups interested in [REDACTED] issues. To accomplish this, you often attend meetings and other planned events of these organizations and groups.

You were offered a free ticket to the annual formal dinner of [REDACTED] a registered political action committee. Literature from [REDACTED] described its purpose in February 1989:

You said that [REDACTED] supports candidates without regard for political party, as long as they advance the political empowerment of [REDACTED]. According to literature from [REDACTED] activities of the organization in 1988-89 included financial support of a voter registration drive; contributions to individual candidates for local, state and national office; contributions to a coalition initiative by the Illinois Democratic Party to defeat two [REDACTED] candidates in the suburbs; payment of a staff person to organize support for [REDACTED]; and presentation of speakers such as [REDACTED]. According to the same literature, [REDACTED] also intends to work with the [REDACTED] Task Force and its lobbyist on a combined legislative strategy in Springfield.

The [REDACTED] dinner is the organization's annual fundraising event. However, since you have been offered a free ticket, you would not make any contribution to [REDACTED]. You have also stated that the event is one of the few occasions during the year that brings together all of the leaders [REDACTED].

[REDACTED]

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You believe that your attendance at the dinner is important to carry out your duties as a [REDACTED] liaison from the City and to maintain contacts with persons you do not have the opportunity to see regularly.

You said that you would not be a speaker at the dinner, merely a guest. You have not been involved in organizing, selling tickets to or promoting the fundraiser.

ISSUE: Would your attendance as a guest at the [REDACTED] fundraiser be prohibited political activity?

DISCUSSION: Section [REDACTED] of the Governmental Ethics Ordinance is a lengthy provision defining political activities which are prohibited for employees of the [REDACTED]. A summary of prohibited political activities is attached.

The provision relevant to a decision on your question is Section 26.2-1(s)(4). A City employee who is subject to the restrictions on political activity may not organize, sell tickets to, promote, or participate actively in a fundraising activity of a public office holder, a candidate in an election, a political party, a political club or an organization. "Organization" is defined in Section 26.2-1(s)(1) as "an organization relating to a campaign for elected office."

[REDACTED] is an organization that increases the political power of [REDACTED] endorsing certain candidates for elected office and supporting their campaigns. By reason of that endorsement and support, [REDACTED] (and similar political action committees) could be considered "an organization relating to a campaign for elected office."

You have not organized, sold or bought tickets to or promoted the fundraising dinner. The question is whether, in the circumstances described in the facts, your attendance at the dinner constitutes "active participation."

The phrase "active participation" implies that there is a level of participation in a fundraising event which is permissible even for employees whose political activity is restricted by the Governmental Ethics Ordinance. However, nothing in the facts indicates that you would do anything besides attend the dinner and meet with members of [REDACTED]. You have also said that your attendance at the dinner is part of your job as the City's [REDACTED] liaison. In these circumstances, your attendance at the [REDACTED] fundraiser, as a guest, is permissible under the Governmental Ethics Ordinance.

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Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

The Board hopes that this opinion adequately answers your inquiry. Should you have any further questions, please contact the staff of the Board of Ethics at 744-9660.

Sincerely,



Albert Hofeld
Chairman

JBD: 90014-L